

PATENT

-IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DAVID L. KELLY, STEPHEN L. MILLER
and RICHARD L. MILLER

Date Filed: Herewith

For: **REBAR CHAIR AND
SUPPORTING PLATE**

) Group Art Unit:

) Examiner:

) INFORMATION DISCLOSURE
) STATEMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

This Information Disclosure Statement:

- (a) ☒ accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits.

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- (d) ☐ is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR § 1.17(p) **or** a certification as specified in 37 CFR § 1.97(e), as checked below.
- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) are checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

- (f) ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- (g) ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith:

- (h) ☒ each (i) ☐ none (j) ☐ only those listed below:

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Those patent(s) or publication(s) which are marked with an asterisk (*) in the attached form PTO-1449 (Modified) are not supplied because they were previously cited by or submitted to the Office in a prior application no., filed and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

- (k) ☒ not given
- (l) ☐ given for each listed item
- (m) ☐ given for only non-English language listed item(s)
[Required]
- (n) ☐ given in the form of an English language copy of a Notification of Transmittal of the International Search Report or the Declaration, issued in a counterpart PCT application, which refers to the relevant portions of certain of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

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In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

(X) No fee is due.

() The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) is enclosed (\$180).

Please charge any additional required fee or credit any overpayment to our deposit account number 50-0918. An additional copy of this document is enclosed.

Respectfully submitted,
THELEN REID & PRIEST LLP

Dated: Mar. 26, 2004 By: 
John K. Uilkema
Reg. No. 20,282

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Direct all correspondence to

John K. Uilkema
Thelen Reid & Priest LLP
P.O. Box 190187
San Francisco, CA 94119-0187
(415) 369-7641 (Direct Dial)
(415) 369-7879 (Direct Fax)

Thelen File: 032885-86

FORM PTO-1449		U.S. Dept. of Commerce Patent and Trademark Office		Atty. Docket No. 032885-86		Appln. No. New	
INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)							
PATENT NAME: REBAR CHAIR AND SUPPORTING PLATE				Applicant(s) David L. Kelly, Stephen L. Miller, Richard L. Miller			
				Filing Date: Herewith		Group	
U.S. PATENT DOCUMENTS							
*Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
	AA	1,672,852	06/05/28	Roughan			04/30/27
	AB	1,809,870	06/16/31	Smith			11/16/27
	AC	1,936,536	11/21/33	Bates	72	57	12/22/32
	AD	3,693,310	09/26/72	Middleton	52	685	11/09/70
	AE	4,060,954	12/06/77	Liuzza	52	677	11/03/72
	AF	4,080,770	03/28/78	Vigh	52	689	03/17/77
	AG	4,483,119	11/20/84	Hernandez	52	689	06/23/83
	AH	4,655,023	04/07/87	Yung	52	685	01/23/85
	AI	4,682,461	07/28/87	Sizemore	52	689	03/31/86
	AJ	4,756,641	07/12/88	Hartzheim	404	136	09/02/87
	AK	4,835,933	06/06/89	Yung	52	685	02/11/88
	AL	5,107,654	04/28/92	Leonardis	52	685	10/06/89
	AM	5,555,693	09/17/96	Sorkin	52	689	01/12/95
	AN	5,791,095	08/11/98	Sorkin	52	105	06/18/96
	AO	5,729,949	03/24/98	Hartzheim	52	677	09/09/96
	AP	6,089,522	07/18/00	Haslem et al.	248	440	10/02/98
	AQ	6,276,108	08/21/01	Padrun	52	684	10/19/99
	AR	6,354,054	03/12/02	Verelli et al.	52	686	11/06/98
	AS	Des 334,133	03/23/93	Hartzheim	D8	354	12/26/91
	AT	Des 388,312	12/30/97	Sorkin	D8	354	05/28/96
	AU	Des 394,200	05/12/98	Hartzheim	D8	354	05/07/96
	AV	Des 421,709	03/21/00	Haslem et al.	D8	354	10/02/98
	AW	Des 428,501	07/18/00	Haslem et al.	D25	199	10/02/98

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*Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
	AX	Des 443,197	06/05/01	Padrun	D8	354	10/19/99
	AY	Des 444,244	06/26/01	McPherson et al.	D25	199	06/01/00
	AZ	Des 454,776	03/26/02	Padrun	D8	354	12/29/00
	BA	US2003/0000170A1	Pub. Date 1/2/03	Sorkin	52	677	06/29/01
FOREIGN PATENT DOCUMENTS							
*Examiner Initials		Document Number	Date	Country	Class	Subclass	Translation YES NO
	BB	575,043	01/31/46	United Kingdom			
	BC	227969	05/10/60	Australia			
	BD	2549870	07/27/83	France			X
OTHER DOCUMENTS							
	BE	AZTEC Promotional Brochure for Plastic Rebar Spacer (1994)					
	BF	Meadow Steel Products Pricing Brochure for Reinforcing Bar Supports (2/1/94)					
	BG	Meadow Steel Products Plastic Accessories Catalog (1991)					
Examiner				Date Considered			
* Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							